SUBJECT No. 23.

Prevention of cow-killing.

Mr. M. Lakshminarasimhachar, Hassan Taluk.

Summary of discussion.—Mysore being an agricultural country, protection of cattle is of paramount importance. During the last few years, 75 per cent of our cattle were carried away by cattle diseases. With a view to minimise loss, Government have established veterinary hospitals and dispensaries in the State. But many needy ryots sell their cattle to butchers and many cattle are stolen frequently for this purpose. With a view to protect cattle in the State, the Government may, as in Coorg, be pleased to prohibit the slaughter of cows and oxen either by legislation or by issue of suitable orders in the matter.

Reply of Government.—This is an old subject which has repeatedly been vetoed and should not have been brought up. The request is difficult of compliance.

JUDICIAL.

(Nos. 24 TO 81.)

SUBJECT No. 24.

A judicial conference.

Messrs. C. Krishnamurthi, Law Association, Bangalore; and Shankaranarayana Rao, Shimoga Municipality.

Summary of discussion.—A judicial conference may be held every year by turns at Bangalore, Mysore and Shimoga.

Mr. C. Krishnamurti in speaking on this subject said that a conference composed of a Judge of the Chief Court, the Civil Judges and the Magistrates of the Station, experienced members of the bar and selected non-official gentlemen of standing might, with advantage, be held every year by turns at Bangalore, Mysore and Shimoga to discuss matters appertaining to the Judicial Department. Such conferences are held in each district in the Bombay Presidency and they are of great advantage in arriving at a speedy settlement in regard to various matters affecting the judicial administration of the State. A personal interchange of ideas will obviate unnecessary and protracted correspondence and will also give an opportunity to the members of the bar and the litigant public to lay their grievances directly before the Chief Court.

Reply of Government.—Inquiries will be made about the Bombay practice and the representation will be duly considered.

SUBJECT No. 25.

Judicial and executive functions of Amildars.

(*a*) Messrs. K. Shankaranarayana Rao, Shimoga Municipality; S. R. Balakrishna Rao, Nagar Sabha; and C. Sreenivasa Rao, Chikmagalur Taluk.

(*b*) Mr. Rama Rao, Malur Taluk.

Summary of discussion.—(*a*) The separation of judicial and executive functions is necessary for various reasons:—

(1) The duties entrusted to Amildars being multifarious, they cannot find time to attend to all their duties satisfactorily. The proposed step will enable them to pay greater attention to their revenue and police functions.

(2) Police Inspectors are low-paid and require the direct supervision of highly paid and qualified officers like Amildars. This duty cannot at present be

satisfactorily done by the Amildars on account of heavy criminal work.

(3) The enforcement of Village Sanitation Rules can be attended to properly by the Amildars when relieved of their magisterial functions.

Special Magistrates may be appointed for groups of two or three taluks who can hold courts at convenient centres and be whole-time judicial officers. Such an arrangement will minimise unnecessary adjournment of criminal cases.

Per contra.—(*b*) (1) Amildars may not be divested of their magisterial powers as it largely increases the already heavy expenditure.

(2) In places where there are Munsiffs' Courts, Amildars are divested of their criminal powers. With a view to administer justice better, it is necessary that Amildars should be invested with such powers.

Mr. Shankaranarayana Rao, in advocating the separation of judicial from executive functions, said that, as Amildars who are also police officers, would have seen the special diaries connected with a criminal case and not infrequently have given instructions to the investigating officers, the accused had good reason to apprehend a failure of justice if the same case was tried by the Amildar in his capacity as magistrate. He considered it therefore desirable that the Amildars should be relieved of their magisterial functions. A beginning in this direction was made when, two or three years ago, certain Amildars were relieved of their magisterial powers, their work being given over to the Munsiffs in the station. It has now transpired that this arrangement was faulty inasmuch as, owing to the urgency of criminal work, the Munsiffs had to defer taking up civil work whenever criminal cases required their attention. The result has been that there has been a little delay in the disposal of civil work in these courts. The member added that in consequence of this wrong beginning, the principle involved in the scheme stood in danger of being discredited. He therefore urged on the attention of Government the desirability of appointing whole-time magistrates who would attend to criminal work now done by the Amildars. Mr. Balakrishna Rao of the Nagar Sabha also supported the proposal. But Mr. Rama Rao of Malur was against the separation of functions.

Reply of Government.—The whole question is one of funds. The scheme of having whole-time magistrates for criminal work has not been pronounced a success where it has been tried. To have magistrates who can discharge

their work with efficiency and integrity, they should be paid as much as is sufficient to keep them above temptation, and this necessarily involves a large expenditure of public money.

SUBJECT No. 26.

Congestion of work in the Chief Court.

Mr. M. Venkatakrishnaiya, Mysore City Municipality.

Summary of discussion.—A committee consisting of the past and present judicial officers and some of the leading advocates of Mysore and Bangalore may be appointed to consider the chief causes of the congestion of work in the Chief Court and to suggest remedies for its removal.

Reply of Government.—No committee is necessary; but it is proposed to find a remedy by amending the Chief Court Regulation so as to enable a single Judge to dispose of first appeals in civil cases which are now heard and tried by a Bench of two Judges of that Court.

SUBJECT No. 27.

Calendars of cases by magistrates to be scrutinized by the Chief Court.

Mr. M. Venkatakrishnaiya, Mysore City Municipality.

Summary of discussion.—According to law and long-established practice calendars of cases submitted by magistrates have to be scrutinized by the Chief Court and such action as it may deem proper may be taken in each case. We now learn that recently the Chief Court has passed an order that all such calendars should be scrutinized by the District and Sessions Judges. This novel Rule of Practice should be set aside.

Reply of Government.—Noted.

SUBJECT No. 28.

Re-establishment of the Nandidrug Division Court.

Messrs. Girimaji Rao and Gopal Naik, Kolar Municipality.

Summary of discussion.—The people of Kolar are put to great difficulties owing to the frequency of adjournments in sessions cases and parties in such cases have to engage lawyers both in Kolar and in Bangalore, which meant increased expense to them. They therefore pray for the revival of the circuit system of sessions.

Reply of Government.—The question of re-establishing a District Court at Bangalore was carefully considered by Government but had to be deferred owing to want of funds. However, the matter will again be considered.

SUBJECT No. 29.

Establishment of separate Small Cause Courts.

Mr. C. Krishnamurti, Law Association, Bangalore.

Summary of discussion.—Separate Small Cause Courts in Bangalore, Mysore and Shimoga may be established as there has been great delay in the disposal of such cases owing to heavy original work in the Courts of Subordinate Judges and Munsiffs.

Reply of Government.—The question will be considered after the Small Cause Courts Bill now before the Legislative Council is passed into law.